

APPENDIX A

DEC C&E PROGRAM IMPROVEMENT PLAN

Overview. The Alaska Department of Environmental Conservation (DEC) is reviewing its APDES compliance and enforcement program (C&E Program) and developing process and substantive improvements in response to EPA's FY 2012 State Review Framework (SRF) process and recommendations/corrective actions. This Appendix identifies recommendations/corrective actions and timelines and milestones* for accomplishing various SRF recommendations, and ensuring DEC's timely and thorough implementation of those recommendations.

Program Improvement Plan. DEC shall submit a detailed APDES Compliance and Enforcement Program Improvement Plan (PIP) to EPA identifying detailed action items, frameworks and interim and final deadlines and critical path schedules that implement EPA's FY 2012 SRF recommendations/corrective actions included in the SRF Report and this Appendix. DEC has the discretion to include more areas of improvement, with associated actions items and schedules, than are included in this Appendix A.

PIP Due Date. DEC shall submit the completed PIP to EPA within 60 days of the finalization date of the SRF report.

[* The Timelines/Critical Path Schedules column is currently blank. During the EPA/DEC discussions on the draft SRF report, the parties will identify tentative expeditious timelines and schedules that DEC will consider as it develops and finalizes the PIP. Ultimately, DEC must propose interim and final deadlines, and critical path schedules in its completed PIP.]

Element/Finding/Metric	EPA Recommendations/Corrective Actions	Timelines/Critical Path Schedules*
Element 1: Data, Finding 1-1	<u>Data Entry & Verification Accuracy.</u> Develop and implement guidance and standard operating procedure (SOPs) for ensuring mandatory data is accurately and completely entered into the national data system and for ensuring careful reviews, evaluations and corrections as necessary of any data required to be entered into ICIS and that is used for data metrics analyses. The guidance and SOPs will address:	

	<p>(1) the entry of the State’s receipt of permittees’ submissions into ICIS-NPDES and precautions to ensure accuracy of ICIS-NPDES entries;</p> <p>(2) the timing and accuracy of inspection entries into ICIS-NPDES; and</p> <p>(3) internal training on ICIS and annual data metric verification procedures.</p>	
Element 2: Program Commitments, Finding 2-4	<p><u>Annual Major Facility Compliance Evaluations (App. D, Part E).</u> Develop and implement SOPs to implement annual compliance evaluations of major facilities in accordance with the Program Description, Section 9.1.1. Begin implementing these SOPs in 2015. Submit copies of the SOPs to EPA.</p> <p><u>DROPS Modifications and SOPs (App. D, Parts F-G).</u> Develop and implement a plan to modify DROPS as needed so that DROPS will perform the tasks identified in the Program Description (PD) (including but not limited to Sections 9.1 and 9.1.3). Develop and implement SOPs to ensure applicable data is gathered and entered into DROPS so that PD tasks can be accomplished as committed, including the ability to use the Wastewater Risk-Based Inspection Ranking Model for CY 2015 and subsequent CY inspection planning. Include critical path schedules and interim deadlines in the plan and SOPs. Submit copies of the plan and SOPs to EPA.</p> <p><u>DEC/DOL SOPs (App. D, Part J).</u> Develop SOPs for coordination/work between DEC and DOL regarding all applicable compliance and enforcement inter-department procedures needed to implement a vigorous APDES compliance and enforcement (C&E) program, including but not limited to the provisions of the PD, Section 9.4.6. Submit copies of the SOPs and an accompanying document (e.g. letter, memo, etc.) explaining what budget adjustments were made and are planned to ensure the timely availability of DOL attorneys for all C&E related matters (e.g. legal advice, compliance committee attendance, demand letters, etc.).</p> <p><u>Cross-Training (App. D, Part K).</u> Develop and implement a plan to implement cross training in accordance with the Program Description, Section 9.1.4</p>	

	beginning in CY 2015 at the latest. The plan must identify specific agencies and entities that will be asked to participate, the nature of the training including a draft training agenda and timelines, what written procedures, memorandums of agreement, inspection checklists, etc. will be developed to implement the cross training, the field work and reporting back to DEC. The plan must describe how cross training will be implemented into DEC's sector strategies and CMS inspection plans. Submit a copy of the plan to EPA.	
Element 2: Inspections, Finding 2-5 (Metric 6b); Element 3: Violations, Finding 3-1 (Metric 7e); and Element 4: Enforcement, Finding 4-1 (Metric 9a partially)	<p><u>Inspection Report and Enforcement File SOPs.</u> Develop and implement SOPs for inspection report preparation and quality assurance review, informal enforcement action documents and enforcement file content.</p> <p>These SOPs must include:</p> <ul style="list-style-type: none"> (1) timeliness provisions for completion of inspection reports; (2) identification and reporting of single event violations (SEVs); (3) provisions for addressing accuracy of compliance determinations and inclusion of inspection report-identified violations in subsequent enforcement action documentation; (4) consistent and complete enforcement file content (e.g. Form 3560s, DEC Enforcement Manual requirements like enforcement closeout letter); and (5) consistent adherence to the DEC Enforcement Manual requirements for substantive provisions of compliance letter and notices of violation (e.g. Chap. 4, pp. 4-2 and 4-7), including respondent submission of written report(s) explaining why violations occurred, corrective actions taken and to be taken with time frames, and steps that will be taken to prevent similar future violations. <p>Submit copies of the SOPs to EPA.</p>	
Element 5: Penalties, Finding	<u>Penalty Development and Settlement SOPs.</u> Develop and implement SOPs for	

5-2 (Metric 12a)	<p>its enforcement procedures (formal, informal, etc.), penalty calculation methods and settlement procedures to include documentation explaining the rationale for differences between initial penalty calculations for settlement and the final penalty settlement. The SOPs should consider and be consistent with DEC/DOL SOPs (App. D, Part J) so that there are appropriate penalty settlement documentation procedures for any DOL assistance or work related to DEC's expedited settlement offer procedures or other APDES settlement procedures.</p> <p>Submit copies of the SOPs to EPA.</p>	
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